

REFERENCE TITLE: fire districts; city annexation

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1360

Introduced by
Senator Gould

AN ACT

AMENDING SECTIONS 48-812 AND 48-813, ARIZONA REVISED STATUTES; RELATING TO
FIRE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-812, Arizona Revised Statutes, is amended to
3 read:

4 48-812. Disposition of fire district assets and relief and
5 pension fund assets on annexation by or inclusion in
6 a city or town: election

7 A. When any area having a fire district established under this article
8 is entirely annexed to a city or town or entirely included within a newly
9 organized city or town, the fire district of the area annexed and all its
10 assets, including personnel, and liabilities of whatever description, ~~shall~~
11 ~~AT THE OPTION OF THE FIRE DISTRICT'S RESIDENTS, MAY~~ be merged and become a
12 part of the fire department of the annexing city or town ~~upon~~ ON the date the
13 city or town elects to provide fire protection services to such area AND THE
14 FIRE DISTRICT'S RESIDENTS ELECT TO RECEIVE THOSE SERVICES.

15 B. BEFORE ACCEPTING AN ANNEXATION OF ALL OR PART OF THE FIRE DISTRICT,
16 THE FIRE DISTRICT MAY HOLD AN ELECTION ON THE QUESTION OF ACCEPTANCE OF THE
17 ANNEXATION. THE FIRE DISTRICT'S GOVERNING BOARD, OR IF THERE IS NO GOVERNING
18 BOARD, THE FIRE DISTRICT CHIEF MAY CALL AN ELECTION ON THE QUESTION OF
19 ANNEXATION. THE ELECTION SHALL BE HELD AS A MAIL BALLOT ELECTION PURSUANT TO
20 TITLE 16, CHAPTER 4, ARTICLE 8.1, AND THE QUESTION ON THE BALLOT SHALL BE
21 "ACCEPT CITY FIRE SERVICES, YES" AND "ACCEPT CITY FIRE SERVICES, NO". ONLY
22 THOSE QUALIFIED ELECTORS IN THE PORTION OF THE DISTRICT THAT IS PROPOSED FOR
23 ANNEXATION ARE ELIGIBLE TO VOTE ON THE QUESTION, AND THE MAJORITY OF THOSE
24 VOTING ON THE QUESTION SHALL DETERMINE THE OUTCOME.

25 C. IF AN ANNEXATION IS APPROVED:

26 ~~B.~~ 1. All assets and liabilities of whatever description and all
27 books and records belonging to a fire fighters' relief and pension fund of
28 an area annexed or newly organized shall be transferred to and shall become
29 the property of the fire fighters' relief and pension fund of the annexing
30 or newly organized city or town ~~upon~~ ON the date the city or town elects to
31 provide fire protection services to such area.

32 ~~C.~~ 2. Any firefighter who is employed on a full-time basis by a fire
33 district and who becomes employed as a firefighter by an annexing or newly
34 organized city or town within sixty days from and after the date the city or
35 town elects to provide fire protection services to such area, ~~shall~~ shall become a
36 member of the annexing or newly organized city or town's fire fighters'
37 relief and pension fund, and that firefighter shall be granted service credit
38 by the annexing or newly organized city or town in the same manner and in all
39 respects as if the service had been rendered as a firefighter in the
40 employment of the annexing or newly organized city or town, provided that the
41 funds contributed by the firefighter to the fire district's fire fighters'
42 relief and pension fund are transferred to the annexing or newly organized
43 city or town's fire fighters' relief and pension fund, or if not so
44 transferred, provided that the firefighter pay to the annexing or newly

1 organized city or town's fire fighters' relief and pension fund the amount
2 withdrawn, including the interest received at time of withdrawal.

3 ~~D.~~ 3. All pensions being paid on the effective date of annexation or
4 organization from funds of the fire fighters' relief and pension fund of an
5 area annexed by a city or town or newly organized city or town shall continue
6 to be paid in accordance with section 9-967 by the fire fighters' relief and
7 pension fund of the annexing or newly organized city or town.

8 Sec. 2. Section 48-813, Arizona Revised Statutes, is amended to read:

9 48-813. Deletion of annexed area from fire district territory;
10 provision for continued protection; proposed
11 annexation

12 A. If any part or all of the territory of a district is annexed to a
13 city or town, ~~or~~ or is included within a newly organized city or town AND ANY
14 REQUIRED APPROVAL OF THE VOTERS IS RECEIVED AS PRESCRIBED IN SECTION 48-812,
15 the territory within the city or town remains a part of the district until
16 the next July 1 following the time when the city or town elects to provide
17 regular fire department services to the annexed or included area. The
18 annexed or included area remains subject to taxes levied as provided in
19 section 48-806 for bonds of the district outstanding at the time of filing of
20 the petition seeking annexation or incorporation until final payment on the
21 bonds and is subject to taxes levied pursuant to section 48-807 until the
22 termination date.

23 B. On and after the termination date, no taxes may be levied pursuant
24 to section 48-807 on such area except as necessary to pay valid claims
25 existing against the district on the termination date.

26 C. If a city or town provides regular fire protection to its residents
27 and is unable to provide equal fire protection to annexed or included
28 territory, OR IF THE FIRE DISTRICT DETERMINES TO CONTRACT WITH A CITY OR
29 TOWN, the city or town may contract with a fire district in proximity to the
30 annexed or included territory for the purpose of supplying fire protection
31 until the city or town is able to provide equal fire protection to the
32 annexed or included territory.

33 D. If any part but not all of the territory of a district is annexed
34 to a city or town or is included within a newly organized city or town, all
35 assets of the district remain the property of the district.

36 E. At least thirty days before a city or town completes the annexation
37 of any part of a district pursuant to title 9, chapter 4, article 7, the city
38 or town shall notify the affected district in writing of the proposed
39 annexation. The city or town and the district may enter into an
40 intergovernmental agreement, pursuant to title 11, chapter 7, article 3, to
41 mitigate any detrimental effects on district services to the remaining
42 population in the district as a result of the annexation.